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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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00-70620 (E)

The meeting was called to order at 10.20 a.m.

Agenda item 112: Elimination of racism and racial discrimination (*continued*) (A/C.3/55/L.24)

Draft resolution A/C.3/55/L.24: International Convention on the Elimination of All Forms of Racial Discrimination

1. **Mr. El Khadraoui** (Belgium), introducing draft resolution A/C.3/55/L.24 on behalf of the sponsors, said that Poland had also become a sponsor. The International Convention on the Elimination of All Forms of Racial Discrimination was still the international community's foremost reference in its fight against racism. The operative part of the draft resolution consisted of three sections. Section I drew attention to the contributions by the Committee on the Elimination of Racial Discrimination to the preparatory process for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and encouraged all States and relevant organizations to draw attention to the Convention, to the Committee's work leading up to World Conference, and to the International Year of Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance. In section II, States parties to the Convention were strongly urged to accelerate ratification of the amendment on financing the Committee, so as to allow the Committee to be financed from the United Nations regular budget. In section III, States that had not yet become parties to the Convention were urged to ratify or accede to it as soon as possible. He hoped that, as in the past, the draft resolution would be adopted without a vote.

Agenda item 113: Right of peoples to self-determination (*continued*) (A/C.3/55/L.22)

Draft resolution A/C.3/55/L.22: Universal realization of the right of peoples to self-determination

2. **Mr. Bhatti** (Pakistan), introducing draft resolution A/C.3/55/L.22 on behalf of the sponsors, said that Bosnia and Herzegovina, Iraq, Togo and Yemen had also become sponsors. The right of peoples to self-determination had been reaffirmed in the Millennium Declaration as one of the fundamental values and principles for the twenty-first century. The text of the draft resolution was the same as that of General Assembly resolution 54/155, except for the incorporation of references to the latest resolutions of the General Assembly and the Commission on Human Rights, and he hoped that, as in the previous years, it would be adopted without a vote.

Draft resolution A/C.3/55/L.23: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

3. **Ms. De Armas García** (Cuba), introducing draft resolution A/C.3/55/L.23 on behalf of the sponsors, said that the Russian Federation had also become a sponsor. National sovereignty and the right of every people to self-determination were the pillars of the international legal order and the United Nations system, but were under threat from new, dangerous forms of mercenary activities. Such activities were a threat to the lives, security and human rights of people living in a peaceful country, and were often akin to terrorist acts in their indiscriminate effects.

4. Two new elements had been introduced into the draft resolution as compared with previous years: it recommended that the Commission on Human Rights should renew the mandate of the Special Rapporteur on the use of mercenaries, and strongly urged the Office of the United Nations High Commissioner for Human Rights to convene a workshop on the traditional and new forms of mercenary activities. On the basis of information received from the Office, she was hopeful that the workshop would take place early in 2001.

Agenda item 114: Human rights questions (*continued*) (A/55/3, A/55/280 and Add.1 and 2, A/55/296 and Add.1, A/55/133-S/2000/682, A/55/309, 310, 375 and 473; A/C.3/55/4)

(a) Implementation of human rights instruments (*continued*) (A/55/40, 44, 178, 204-206, A/54/805, A/55/207, 208, 278, 290 and 313, and A/55/438-S/2000/931)

5. **Mr. Naess** (Norway), speaking also on behalf of Australia, Canada, Chile and New Zealand, said that the human rights-treaty bodies played a crucial role as guardians of the treaty-implementation system, but a mounting workload and lack of resources raised doubts about their ability to function effectively. The work of the Independent Expert on enhancing the long-term effectiveness of the United Nations human rights-treaty system, the recommendations that had come out of the annual meetings of the chairpersons of the treaty

bodies and the increasing contribution of the specialized agencies and other organizations were all steps in the right direction. However, there was still a need to take concrete steps to improve the functioning of the treaty bodies. Reports to the treaty bodies should be shorter and more focused and every effort should be made to coordinate their work. Pre-sessional working groups and panels could be used to expedite consideration of periodic reports and individual communications, and plans of action could increase the efficiency of some treaty bodies. More resources should be made available to the Office of the High Commissioner for Human Rights from the core budget to reflect its central role in the promotion and protection of human rights. States parties, the specialized agencies and other organizations should provide technical assistance to ratifying States, for example, by helping a non-reporting State to write its initial report and appear before the relevant committee.

6. There were welcome signs of growing cooperation and information-sharing among the treaty bodies, and between the treaty bodies and other human rights mechanisms, including through the use of databases. However, the treaty bodies needed to use all sources of information, cooperate even more closely and draft concluding observations that gave practical guidance to the ratifying State. Such a strengthened treaty-body system could help prevent human rights violations before they reached large-scale proportions.

7. **Mr. Palouš** (Czech Republic) said that, in an interconnected and globalized world, human rights violations were the concern of all who subscribed to the internationally accepted norms for their protection. While respecting the diversity of traditions around the world, his Government sought to be open and dynamic in defending the principles of the universality and indivisibility of human rights. A few weeks earlier, in that spirit of openness, it had extended to the High Commissioner for Human Rights a standing invitation for thematic rapporteurs and other mechanisms of the Commission on Human Rights to visit the Czech Republic. Thematic and country-specific rapporteurs and working groups needed to be given the opportunity to cooperate as widely as possible, since openness to criticism was the first step towards improving the protection of human rights.

8. One of the priorities of Czech foreign policy was to take part in the international legislative process and the monitoring of existing international instruments. His Government had contributed to the drafting of the Declaration on Human Rights Defenders, and welcomed the appointment of the Special Representative of the Secretary-General on Human Rights Defenders. In general, it tried to defend all those whose fundamental rights were at risk, and, with that in mind, put special emphasis on improving communications between Governments and between governmental and non-governmental institutions.

9. The finalization and opening for signature of the two optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, respectively, marked an important step in the international legislative process. President Havel had signed the first of those texts earlier in the year and the Czech Republic would begin the ratification procedure in the near future. It hoped to sign and ratify the second protocol before the holding of the special session on the follow-up to the World Summit for Children in 2001.

10. The Czech Republic was grateful for the achievements of the Secretary-General's Special Representative for Children and Armed Conflict and for the Canadian Government's recent holding of the International Conference on War-Affected Children. It unreservedly supported the recommendations of the Special Representative and of the Conference and hoped that Member States would take action to ensure their speedy and broad implementation.

11. The early completion of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment was indispensable. All States participating in the drafting of the text should intensify their efforts to reach a consensus.

12. The Czech Republic had been one of the first Member States to sign the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The process of ratification was under way and was likely to be completed by the end of 2000.

13. The Czech Republic had recently issued a declaration, pursuant to article 14 of the Convention on the Elimination of All Forms of Racial Discrimination, which should widen protection of human rights for all persons under its jurisdiction.

14. An important challenge, requiring a constitutional amendment, was the ratification of the Statute of the International Criminal Court. The international community should accord priority to making the Court operational, although admittedly constitutional amendments could slow down the process.

15. The efficiency and fairness of international human rights mechanisms could contribute substantially to the peaceful transformation of the world, enabling mankind to cope with the challenges of the new century. Reform of the United Nations was the core task in that context. The Czech Republic was committed to supporting reform and would use its resources and abilities to that end.

16. **Mrs. Aragon** (Philippines) welcomed the efforts of the Secretary-General and the United Nations High Commissioner for Human Rights (A/55/205) to accord priority to the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. The issue of migrant workers was of paramount importance, given their significant contribution to the development of sending and receiving States and to the creation of multicultural societies.

18. Just as the reasons for migration had little changed over the centuries, so too the problems associated with the phenomenon tended to repeat themselves, albeit in modern form. The emergence of highly-organized groups profiting from illicit traffic in migrant workers was a major concern.

19. The number of older persons in the world was expected to triple by 2050. Migration to developed countries was projected to rise as pressures grew to replace ageing populations in those countries and compensate for rapidly falling fertility rates.

20. As the importance of migrant labour in the international community increased, vulnerable groups such as women were more likely to be victims of abuse. The Philippines therefore viewed with particular importance resolutions that sought to promote and protect the rights and dignity of migrant workers, particularly women. Accordingly, it would once again co-sponsor the draft resolution introduced by Mexico under that item.

21. The Philippines placed high priority on the entry into force of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and welcomed all efforts to protect migrant workers, including the "Human Rights Strengthening" programme of the Office of the High Commissioner for Human Rights and the United Nations Development Programme (UNDP) (A/55/205, para. 5). It also appreciated the activities of the International Steering Committee of the Global Campaign for Ratification of the Convention on the Rights of Migrants, and the holding of a round table on that theme during the fifty-sixth session of the Commission on Human Rights (ibid., para. 6). The contribution and commitment of society to the promotion and protection of the rights of migrant workers and their families should also be recognized and encouraged.

22. Despite a number of positive developments, the Philippines was disappointed by the slow progress on the entry into force of the Convention, particularly in light of the need to ensure protection of vulnerable groups. Her delegation appealed to States which had not done so to sign and ratify or accede to the Convention.

23. **Mr. Chakraborty** (India), recalling the history of the Bill of Rights negotiations during the first session of the Commission on Human Rights in 1947, stressed that countries had on that occasion overcome their constraints and spoken with one voice about the rights of humanity. The resulting treaties had become the basis for expressing common concern about peoples.

24. The prevailing trend towards using human rights instruments for political purposes was therefore regrettable. The deliberate confusion of symptoms of underdevelopment in developing countries with human rights violations did little to enhance international credibility or facilitate wider acceptance of treaty bodies and protocols. The tendency to downplay economic, social and cultural rights or not to recognize collective rights while overemphasizing civil and political rights had created an imbalance in the application of human rights treaties. Since human rights were indivisible and interrelated, treaty bodies should address democracy, development and human rights in an integrated manner.

25. In the light of the vital importance of effective and coordinated implementation of international human rights instruments, the efforts of various treaty bodies to attain an integrated and balanced administration of rights was particularly welcome. While the Office of

the High Commissioner for Human Rights was to be praised for its active promotion and protection of human rights, India was puzzled by the Office's efforts to develop indicators and benchmarks to assess the realization of human rights, including political and civil rights (A/55/206, para. 54). Although reassured that the initiative did not aim at ranking or reprimanding countries, India was nonetheless convinced that the Office's resources and time should not be spent on such activities when the implementation and promotion of rights enshrined in treaties deserved greater attention.

26. The Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment was to be commended for drawing attention in his report (A/55/290) to the links between torture and poverty. As long as societies and the international community failed to address the problems of the poor, marginalized and vulnerable, they would be contributing indirectly to the vicious cycle of brutalization. In that regard, a shadow had been cast over the work of the United Nations Voluntary Fund for Victims of Torture (A/55/178) by the Fund's financing of organizations that believed in terror and armed conflict as a means to attain political ends. The Fund's failure to mend its ways was a matter for regret.

27. The status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/55/204) was lamentable. While millions had been pledged to the Fund for Victims of Torture, the question of slavery had received scant attention.

28. The faith which developing countries had placed in the Organization's ability to achieve freedom, equality and dignity for all had been eroded over the years. Unless the trend was reversed and the balance towards human rights promotion restored, universal implementation of the treaties would remain a dream.

29. **Mr. Melenevsky** (Ukraine) said that universal ratification of the six core United Nations human rights treaties was the best possible foundation for international efforts to promote respect for human rights. His delegation strongly supported the efforts of the Office of the United Nations High Commissioner for Human Rights (A/55/36, annex) to achieve that goal by 2003. While progress already achieved suggested the goal to be a realistic one, ratification was only the first step: consistent national efforts to observe the standards enshrined in human rights treaties were essential.

30. Ukraine had made substantial progress towards recognizing international standards for the protection of human rights, including through changes to its national laws. While it had always viewed the reporting procedure as a key part of the monitoring mechanism, the time taken for consideration of reports and communications could jeopardize the long-term effectiveness and credibility of the treaty bodies. The steps taken by the Secretary-General and the High Commissioner for Human Rights to address that problem were therefore welcome.

31. With regard to implementation, Ukraine favoured the elimination of the requirement for comprehensive periodic reports in their present form and their replacement by reporting guidelines tailored to each State's individual situation. The reports should be shorter and more focused, concentrating on significant new developments, subjects of interest and concerns identified by the treaty bodies. Special attention should also be given to monitoring the way in which Governments treated the recommendations of treaty bodies and the conclusions of special rapporteurs. Close cooperation between the treaty bodies and special-procedures mandates was also necessary. The joint meeting of chairpersons in Geneva in June 2000 had been a welcome step in that regard.

32. Ukraine greatly appreciated the special-procedures system as one of the main elements of the United Nations human rights programme. Recognizing that special rapporteurs often worked in extremely difficult circumstances, Ukraine had traditionally sponsored resolutions relating to the security of United Nations personnel. However, it was unacceptable for special rapporteurs to use uncorroborated or outdated information in their reports. The Special Rapporteur on religious intolerance had made a number of groundless accusations concerning the situation in Ukraine. While Ukraine was always open to constructive dialogue with special rapporteurs and was willing to provide exhaustive information on issues of concern, it needed firm evidence to support accusations.

33. Ukraine welcomed the work done by the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights. In particular, it supported the group's recommendations (Commission decision 2000/109)

concerning rationalization of existing mandates, urgent responses and the work of the Subcommission on the Promotion and Protection of Human Rights.

34. Ukraine would also welcome a more comprehensive approach to the 1503 procedure (Commission decision 2000/110), which continued to be a valuable channel for bringing concerns to the attention of international human rights mechanisms. The efficiency of the procedure should be enhanced, since there was much evidence that communications which ought to be considered pursuant to the procedure under the Optional Protocol to the International Covenant on Civil and Political Rights were being considered under the 1503 procedure.

35. One solution was to avoid the extreme politicization of human rights, a phenomenon which did not facilitate the practical task of improving the human rights situation in various countries. The international community should definitively abandon that practice, since it ran counter to real policy imperatives.

36. While significant progress had been achieved in the quest for full enjoyment of human rights, much work remained to be done. The international community should continue to look for new ideas and ways to prevent the most odious human rights violations and to strengthen the role of United Nations bodies in that domain.

The meeting rose at 11.05 a.m.